

GERMANY AND ENGLAND HAVE A BLOODLESS FIGHT OVER OUR SOIL

(BY H. S. H.)

THUS FAR no comment has come out of Germany about the decision of the United States supreme court that the liner Appam, held at Norfolk, Va., as a German prize, should revert to her British owners. If any comment is made, it will probably be to the effect that American courts, like the government, are pro-entente. It is hard for the European, or the Latin-American or the Asiatic, to conceive courts quite unbiased by politics, local, national, or international. They are used to such influence and consider it as a matter of course. Germans are therefore likely to believe that, without regard to the merits of the case, they have been cheated out of a rich war prize, the raider Mowse out of a part of her honor for the capture, and Capt. Hans Berg out of the vessel he commanded.

How rich a prize is the Appam is not generally known, nor very easily imagined by inlanders like ourselves who have less knowledge of ships than we should have. The Appam was appraised at \$1,250,000. She is 440 feet long and of 7800 tons displacement. Her cargo from the West African coast (she was captured off the Madeira islands while en route from Dakar, Africa, to Liverpool, England) was estimated to be worth between \$2,000,000 and \$3,000,000. It is hard for Germany to give up such a prize, even supposing to be true the tale that the raider Mowse removed from the Appam and took back to Germany gold bullion worth about \$1,000,000.

This suit, culminating in the supreme court's decision, began in the federal district court of Virginia, sitting as a court of admiralty, United States judge Waddell presiding. The British owners sought recovery of the ship and cargo. The German government, claiming ship and cargo as a prize of war, was the real defendant, and the British government, was the real plaintiff.

The district court awarded ship and cargo to the British owners, holding the prize crew of the Appam violated neutrality in the manner of bringing the Appam into an American port and keeping her there. It interpreted existing German-American treaties as allowing only a temporary, not a permanent right to American asylum.

The German claimants, represented by Capt. Berg and German vice consul von Schilling at Norfolk, then appealed, through counsel, to the supreme court of the United States, giving bond in the sum of \$2,000,000 to retain possession of the Appam pending the court's decision.

The German government contended that the Appam had become, by capture, a German warship, entitled to indefinite asylum in American ports by international law; that American courts were without jurisdiction in determining her status as a prize, that function properly lying only with German prize courts, and that in any event the German and American governments, not an admiralty court, must determine the Appam's disposition.

From this view the supreme court dissented, holding in its decision that the Appam was a prize ship and not a man of war; that her manner of being brought into port was in violation of American neutrality, inasmuch as treaties provided a prize ship must be conveyed by a warship, and that neutrality was further violated by claim to permanent asylum in an American port. Ship and cargo were ordered returned to the British claimants, thus upholding the decision of the lower court.

The striking feature of it all is that here were Germany and Great Britain fighting each other in an American court, for that is what it amounted to. It was a tiny bit of the bitterness which pervades all other battlefields. It was an enmeshment of two nations for possession of a ship and cargo as truly as though rival battlefields were hurling broadsides into each other in the same cause.

In reports of the proceedings, we catch this little sentence: "The American government intervened, but only as a friend of the court." In other words, the United States owned the battlefield and watched proceedings to see that there were no irregularities.

It is not often that one witnesses one of these little side-fights of the war. From the fact that it was waged on American soil, there is nothing comparable to it save that dark covetousness which seizes agents of the belligerents as warships in our land; one side to cripple munition shipments by dynamite or strike or by destroyable ships, and the other to checkmate the efforts of the former.

And in this secret warfare, as in the struggle for the Appam, the United States remains "the friend of the court."

The Boy Who Ran Away

And now the blow has fallen on Les Darcy. He cannot participate in boxing contests in the state of New York because Gov. Whitman considers him a "slacker" who ran away from Australia to keep out of warfare, and as a "slacker" Gov. Whitman does not care to have Darcy participate in contests in New York. For one thing, the governor does not believe in encouraging evasion of military service. For another, he believes that since, if the United States to add to the already comfortable fortune he had of Great Britain, the countenancing of one who had evaded Great Britain's military service would be ill advised.

Possibly not many governors would have felt called upon to rule upon the desirability or otherwise of Darcy, but since Gov. Whitman has been so bold as to speak his mind, doubtless enough other people will agree with him that Darcy will not find much profit in any state.

Darcy is of military age. At the time when many thousands of Australians were in the Gallipoli campaign and when many thousands more were in training for war, there was more or less talk of Darcy's enlisting and then of his not enlisting, for he did not enlist. Then columns of newspaper space were taken up in speculation on whether or not the champion Darcy would visit the United States to ply his pugilistic "profession" where money was plentiful. He had defeated all comers in Australia and was looked upon about half way between a hero and a natural marvel.

Inasmuch as Great Britain's law prohibiting men of military age from leaving the country without official permission was as much in effect in Australia as in England, it was considered impossible for Darcy to leave. Instead, he boarded ship by stealth and left the country, bound for South America. From South America he came to the United States to add to the already comfortable fortune he had amassed in the prize ring.

Men's reputations sometimes hang on very slender threads. It was so with Darcy. He was a popular idol in Australia, but when he fled the country, apparently as much as anything to escape the consular service which then seemed imminent, that moment his popularity vanished. Had he kept off that ship and enlisted and played a man's part like a man, whether he were killed or wounded he would have been very much a hero in the eyes of his fellow countrymen. Now his countrymen think he has played a coward's part. They will have little use for him.

Nor can a warmer welcome be expected in any of the entente nations of Europe. In at least one of the United States he has been held up to shame. Perhaps neutral Europe or South America may have a place for him.

Perhaps a hasty impulse made him leave Australia. Darcy is just a boy and often boys are foolishly impulsive. Perhaps the treatment he is receiving, hard as it is, will put the iron in his soul and send him home to the flag of his king to serve his country.

As for Gov. Whitman, the two seasons he has put in at the Plattsburg training camp for civilians seem to have had a pronounced influence upon him.

With the coming of spring, the big drive in Europe is about due to be resumed. Saddening is the thought that thousands on thousands of strong young men will soon be corpses. But glorious is the thought that on both sides they will die for the sake of principles which they hold dearer of life.

By wireless, Berlin communicated with former ambassador von Bernstorff at sea in dots and dashes—mostly dashes. It may be imagined in view of the hints of "treason" emanating from Berlin.

The announcement that the plows of British farmers are to be followed by "women and conscientious objectors" conveys some idea of the esteem in which the government holds the conscientious objectors.

When Gov. Ferguson gives the legislature a month's rest he confers the same favor on the state.

Automobile note: Lumberjacks excel at logging the roads.

Roundabout Town

Orpheus Club a Worthy Addition to the City Will Give Us Good Music and Help the Singers

BY G. A. MARTIN.

IN THE formation of the Orpheus club by a group of young men singers of the city, an organization has been effected from which much good should result. Already 24 men have banded themselves together for the purpose of rehearsing and giving concerts, under the direction of C. J. Andrews, with E. C. Knickerbocker as accompanist, and the ranks are growing rapidly.

There is much musical talent in the city among the men, especially the younger ones, although older ones are not barred, and such an organization as this is certain to develop. The organization is worthy for this reason, if for no other, but there is still another—it is going to give the people of the city an opportunity to hear some good music. The young men who need the people who like music and get so little of it, will benefit through being able to hear something worth while.

It is the purpose of the organizers

to serve this double purpose of improving the singers and giving entertainment to the people of El Paso. The club appears this week in one of the first of its concerts. Frequent concerts will be heard as the club grows and rehearsals produce efficiency. It is the object of the club also to bring some of the best known local talent here, and to play with the chorus. One of these singers has already been contracted with for next fall. It is stated, and others will be brought.

El Paso cannot have too much music and the organization of such a club as this is an indication that the aesthetic side of life is receiving attention along with the more material side.

Tom Jones saw one of his cattleman friends one day last week with a pretty fairly good load ahead in tow of two cows. Both the friends were doing their best to get him to go to his hotel and he was pulling back. Finally he broke loose, backed off, eyed his friends keenly for a minute, then stammered: "Gee whir, I never saw so many drunk men at one time in my life." His two friends were the only ones within his vision.

With the motorization of the city fire department some of the fire horses have been turned over to the street cleaning department. Recently a rather green ex-cowpuncher, put to driving a team of former fire horses to one of the street sweepers, but John Falvey forgot to tell him that the horses would need attention in event of a fire alarm. Along at midnight one night, the fire whistle blew, the bell rang and the motor apparatus came tearing down the street past the sweeper and his team. The driver, looking at the heads into the air, took the bits in their teeth and started down the street. The driver later, "I'd have beaten those damn automobiles to that fire. As it was, we were only a little behind."

Ted Rounalt, Jr., New Mexico fish and game warden, agrees with George N. LeBaron that the road to Elephant Butte should be put in shape between particularly between Red Lake and the Aleman ranch, and Mr. Rounalt thinks expense and with comparative ease, he thinks a new road—a straight one—ought to be laid out from Red Lake, on the lower side of the old road.

Evenings At Home

I SIT me down at close of day, to read a book by Bertha Clay, or Laura Libbey's worst; when wearied by the daily grind, for books that soothe the jaded mind I have a mighty thirst. So when I sit me down to read, I say, "Now I'll have peace indeed, and comfort six ells wide; I'll revel in the printed page, absorb the thoughts of bard and sage, and let the glad hours slide." But ere I've turned a dozen leaves, I'm thinking how the roof and eaves, demand the inner care; and how the carpenter must come, to fix the door that's out of plumb, and mend the cellar stair. I think about the coming spring, when wife and girl's will once more sing their song of Easter hats; I think of seeds that I bill that I must pay when comes the next collection day, I think of them and sigh; I think of how the price ascends on all the needed odds and ends, on raiment, shoes and pie. My book has fallen to the floor; I cannot read it any more; my thoughts are far astray; I do not care for idle tales when I must raise the price of nails and gasoline and hay.

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WALT MASON.

WHEN A FELLER NEEDS A FRIEND

By HIGGS.



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Little Interviews

Who Was First American to Pass Through El Paso? Albuquerque Growing Fast; Has 20,000 Population

THE old time stories in The Herald, said Park Pittman, "have suggested a query. Ask the old timers of El Paso to name the first American citizen who passed through El Paso, I would like to see the answers to that question published. I can name the first American, or United States citizen who passed through here and I will give you an answer after I read some of the others."

"I always take advantage of any excuse offered," said W. A. Cameron, traveling freight and passenger agent of the Santa Fe, "to visit El Paso and see one of the most prosperous cities here no farther away than the Ohio troops as far as Wayne, Ohio, on their way home. I was transferred from El Paso to Albuquerque two years ago and this town's growth in that time has been greater than I ever dreamed it could be. Albuquerque is growing, too, and has a population of 24,000. I am very fond of the town. But El Paso was my home first and I enjoy my visit here and rejoice at El Paso's prosperity."

"During the short time that I have been living in El Paso, I have been much impressed with the great need in this city for an up-to-date emergency hospital," said E. D. Lane, "El Paso is one of the most prosperous cities that I have ever visited but it is certainly behind the mark in this matter. A thoroughly modern city hospital would in time pay for itself. Both San Francisco and Los Angeles have city hospitals, and several ambulance companies."

Among the 25 names on the honor list at Vassar college appears the name of Miss Anne Longfellow Thorpe, granddaughter of the poet, Henry Wadsworth Longfellow.

Over 7,000 women in the United States have offered their services to the government should we go to war.

Two Practical Jokers of Old Days Close Friends Falvey and Dean Did Not Spare Each Other in Pranks

BY J. D. PENDER.

THE two most inveterate practical jokers in El Paso had 25 years ago been Judge T. M. Falvey and Dean. The two were district judges until he refused to serve on the bench any longer, and John M. Dean was district attorney for years and until he decided to run for congress.

While Judge Falvey and John Dean were inseparable friends and companions they delighted in playing jokes on each other. In the early days of the Texas & Pacific railroad, the two were attending court at Pecos City and one night they ran up to Pecos to attend a dance. Returning to the court next morning they found a new and not to be resisted temptation to "prank" him.

Have Fun With the Conductor. When the conductor demanded fares Judge Falvey showed him his pass and Dean said, "I have no pass or ticket." "Then pay cash," snorted the conductor.

Dean said he had no cash and the conductor told him he would have to pay or be put off the train. Turning to Falvey, Dean asked, "What do you think of it, Falvey? Do you think he can put me off the train? I do not believe he can."

And the two began discussing the matter as if the conductor was not there. Judge Falvey said he believed one night they ran up to Pecos to attend a dance. Returning to the court next morning they found a new and not to be resisted temptation to "prank" him.

else, but he never heard of a live place where people did not have to pay considerable taxes.

George Franklin, of the Standard Grocery company, is, perhaps, the only El Paso business man who talks Chinese. He speaks it and speaks it well, so well in fact, that he virtually has a corner on the Chinese restaurant business. He has taken him eight years of hard work to learn it, but he has become so proficient that he could take his way into a Chinese fan tan game. But this is not all. Just when he has accomplished this, the Chinese begin to flock into El Paso and enter the restaurant business, and there is necessity for learning another language. Truly, as Briggs says, "Somebody is always taking the joy out of life."

According to the Chicago Herald of March a former judge, Alton H. Parker has sent this telegram to William Jennings Bryan: "If you and your friend, Senator La Follette, and your fellow travelers and sympathizers had gone to heaven three weeks ago, Germany would not have attempted to drive the United States from the seas or to conspire with other nations or to make war upon her, for we should now have been well prepared to defend ourselves; nor would you have had occasion to sneak out of the German plot."

Willie you can never undo the mischief you have planned, yet if you act quickly you may be able to persuade those now ambitious to become the Benedict Arnolds of the congress to undo the shameful scene now being enacted.

Is the telegram a reply to any communication from Mr. Bryan? former judge Parker was asked. "It was not," he replied.

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Abe Martin



The day's comin' when a feller with a quart 'll have more friends than th' feller with a seven passenger car. Assumin' th' air o' prosperity without th' prosperity is one o' th' fine arts these times.

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Short Snatches From Everywhere

General summary of the war day by day: Worse and more of it.—Chicago News.

Little hope is held out that the old firm of Supply & Demand will ever dissolve partnership.—Toledo Blade.

"Wilson has Clark for dinner." We're afraid he found Champ rather tough.—Charleston News and Courier.

Here Doktor Zimmermann loves Texas—not he would give us for a verminous appendix to Mexico.—Galveston News.

"Dutch bread for the Dutch" sounds very comforting in Holland, but it is not nourishing here for the Belgians.—Dallas Times-Herald.

The German soldiers are asking for more pork. They should get in communication with the American congress.—Opoka State Journal.

Hon. John Sharp Williams of Mississippi, rejoices because he is not president of the United States, and a unanimous nation shares his joy.—New York Sun.

All this fuss over the invention of a system of Chinese shorthand is probably being raised by some man who never saw a laundry ticket.—Boston Transcript.

It is suggested that Mr. Bryan pitch his peace note in Mexico, but he evidently thinks he can do more harm in Washington, besides being safer.—New York Telegram.

President Wilson might yet further intrude himself in the confidence of the people by reverting to his once noble intention of "rocking" Berlin into a cocked hat.—New York Telegram.

MINUTES IN MANHATTAN

BY GOTHAM KNICKERBOCKER.

The City of "Eats."

NEW YORK, March 12.—New York, the world's greatest eating city, might adopt as its motto, "To Eat."

With a population of 6,000,000 and more, Greater New York has an eating place for every 200 inhabitants. There is dining place for every one from the two-cent coffee stand for the "down-and-outer" to the unfurnished eating places for the wealthy.

Every nationality has an eating house in New York. The Chinese tea shop of Peking, the Italian spaghetti kitchen of Naples and the French cafe, with its sidewalk tables, all have their New York counterpart.

Eating places in New York seem to run in layers. In lower Manhattan, the financial district, the buffet or "eat-off-a-stool" restaurant prevails. Here business men feed themselves from long counters piled high with sandwiches and pastries and pay for their food on the honor system.

In Greenwich Village one eats "a la highbrow" in the midst of temperamental artists and literateurs. Plain pine tables are good enough for the temperamental to tuck their feet under, or perhaps they squat in Turkish fashion for their dinner. Checks are signed and the click of cash is a rarity, for the temperamental cannot be bothered with so bourgeois a procedure.

Just above the Washington Square and Greenwich Village belt is the region where nationally restaurants flourish. The man who once lived in Palermo can drink his afternoon coffee from a waiter in a dingy cafe of true Russian atmosphere. The Hungarian finds his goulash in this region as easily as that he formerly ate in Budapest. Italian spaghetti fiends are as numerous here and as expert in the assumption of the true "flour tubes" as they are in Genoa. Grecian, French, German, Chinese, English and even Turkish chefs provide delicacies of the home land.

Next the searching diner finds himself in the lobster belt, where dining halls, dedicated to epicure, abound, and one eats and pays, but mostly pays with the "razz band" and the supper reveries above outshine the quality and quantity of the food. Checks run into two figures preceded by a dollar sign.

Beyond the lobster belt lies the domain of the home restaurant. Cute little places where the cave dwelling apartment house wife and husband seek their 50-cent table d'hôte dinner, abound in swarms.

Not to be forgotten are the numberless white front restaurants and the ever increasing automatic foodshops where one's food pops out of a slot. The dinner hour is the New York era's hour. Eating is almost a ceremony with the real New Yorker. "To eat" is his chief aim in life after the office is closed, and some thousands of culinary experts and their aides are always busy catering to his tastes.

Women are becoming influential factors in real estate business of the country more and more every day.

EL PASO HERALD

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